

AMENDED IN ASSEMBLY JUNE 21, 2016

AMENDED IN ASSEMBLY MAY 26, 2016

SENATE BILL

No. 1133

Introduced by Senator Wolk
(Coauthor: Assembly Member Dodd)

February 18, 2016

An act to amend Section 2715.5 of the Public Resources Code, relating to surface mining.

LEGISLATIVE COUNSEL'S DIGEST

SB 1133, as amended, Wolk. Cache Creek Resource Management Plan.

(1) The Surface Mining and Reclamation Act of 1975 governs surface mining operations and reclamation of mined lands and provides, among other things, for the submission of reclamation plans to, and issuance of permits by, lead agencies with respect to surface mining operations. Until December 31, 2017, a site specific plan in conjunction and consistent with the Cache Creek Resource Management Plan is to be considered a functional equivalent of a reclamation plan for purposes of the act. The board of supervisors of the county in which the Cache Creek Resource Management Plan is to be implemented is required, until December 31, 2017, to prepare and forward to the Director of Conservation annually a report containing specified information relating to mining operations.

This bill would delete the repeal date for these provisions, thereby extending the operation of these provisions indefinitely. By extending the duties of the board of supervisors of the county in which the Cache Creek Resource Management Plan is to be implemented, the bill would impose a state-mandated local program.

The bill would *require the board of supervisors of that county to include the quantity of materials produced in an annual report and would exempt the board of supervisors from the payment of annual reporting fees and fees. The bill would make a surface mining operator, acting under the authority of the management plan, responsible for payment of annual fees associated with the operator's sale of produced materials; the quantity of materials produced and require the operator to include the quantity of materials produced in the operator's annual report to the director.* The bill would also require the release of required financial assurances to comply with specified regulatory provisions and incorporate certain cross-reference changes made by Chapter 7 of the Statutes of 2016.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2715.5 of the Public Resources Code is
2 amended to read:
3 2715.5. (a) The Cache Creek Resource Management Plan, in
4 conjunction with a site specific plan deemed consistent by the lead
5 agency with the Cache Creek Resource Management Plan, shall
6 be considered to be a functional equivalent of a reclamation plan
7 for the purposes of this chapter. No other reclamation plan shall
8 be required to be reviewed and approved for any excavation project
9 subject to the Cache Creek Resource Management Plan that is
10 conducted in conformance with an approved site specific plan that
11 is consistent with the Cache Creek Resource Management Plan
12 and the standards specified in that plan governing erosion control,
13 channel stabilization, habitat restoration, flood control, or
14 infrastructure maintenance, if that plan is reviewed and approved
15 by a lead agency pursuant to this chapter.
16 (b) For purposes of this section, the board of supervisors of the
17 county in which the Cache Creek Resource Management Plan is
18 to be implemented shall prepare and file ~~the~~ *an* annual report

1 required to be prepared pursuant to Section 2207, indicating the
 2 quantity of minerals produced. The board of supervisors *of the*
 3 *county in which the Cache Creek Resource Management Plan is*
 4 *to be implemented* shall be exempt from the payment of annual
 5 reporting fees imposed pursuant to paragraph (1) of subdivision
 6 (d) of Section 2207. A surface mining operator, acting under the
 7 authority of the Cache Creek Resource Management Plan, shall
 8 ~~be responsible for payment of annual fees associated with sales~~
 9 ~~by the operator of produced materials. include in the operator's~~
 10 *annual report required pursuant to Section 2207 the quantity of*
 11 *materials produced and shall be responsible for payment of annual*
 12 *fees associated with the quantity of minerals produced.*

13 (c) Nothing in this section precludes an enforcement action by
 14 the board or the department brought pursuant to this chapter or
 15 Section 2207 if the lead agency or the director determines that a
 16 surface mining operator, acting under the authority of the Cache
 17 Creek Resource Management Plan, is not in compliance with the
 18 requirements of this chapter or Section 2207.

19 (d) For purposes of this section, “site specific plan” means an
 20 individual project plan approved by the lead agency that is
 21 consistent with the Cache Creek Resource Management Plan. Site
 22 specific plans prepared in conformance with the Cache Creek
 23 Resource Management Plan shall include, at a minimum, the
 24 information required pursuant to subdivision (c) of Section 2772,
 25 shall comply with the requirements of Article 9 (commencing with
 26 Section 3700) of Subchapter 1 of Chapter 8 of Division 2 of Title
 27 14 of the California Code of Regulations, and shall be provided
 28 along with a financial assurance estimate to the department for
 29 review and comment pursuant to Section 2772.1 or 2773.4, as
 30 applicable. Notwithstanding the number of days authorized by
 31 subdivision (b) of Section 2772.1 or subdivision (c) of Section
 32 2773.4, the department shall review the site specific plan and the
 33 financial assurance estimate and prepare any written comments
 34 within 15 days from the date of receipt of the plan and the estimate.

35 (e) Prior to engaging in an excavation activity in conformance
 36 with the Cache Creek Resource Management Plan, a surface mining
 37 operation shall be required to obtain financial assurances that meet
 38 the requirements of Section 2773.1. Release of financial assurances
 39 shall comply with *Section 2773.1 and the provisions of Article-9*
 40 *11 (commencing with Section-3700) 3800)* of Subchapter 1 of

1 Chapter 8 of Division 2 of Title 14 of the California Code of
2 Regulations.

3 SEC. 2. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 a local agency or school district has the authority to levy service
6 charges, fees, or assessments sufficient to pay for the program or
7 level of service mandated by this act, within the meaning of Section
8 17556 of the Government Code.

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11 CORRECTIONS:

12 Amended Date—Page 1.

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